

a *special Government employee* unless expressly qualified.

(b) *Regular employee* means a person holding an appointment in the competitive or excepted service, occupying a position on the staff of either Endowment or the shared staff of both Endowments, without regard to assigned working schedule (that is, including full-time, part-time and intermittent schedules), but excluding all *special Government employees* who have not been designated as *regular employees* by the Chairman of either Endowment for purposes of these regulations.

(c) *Full-time employee* means a *regular employee* with an assigned full-time working schedule.

(d) *Part-time employee* means a *regular employee* with an assigned part-time (less than 40 hours a week) work schedule.

(e) *Intermittent employee* means a *regular employee* with an assigned intermittent working schedule.

(f) *Shared staff and joint employees* mean employees performing services for both Endowments on a shared basis.

(g) *Special Government employee* means a *special Government employee* as defined in section 202 of title 18 of the United States Code who is employed by the National Endowment for the Arts or the National Endowment for the Humanities, or by both Endowments jointly.

(h) *Endowment* means either the National Endowment for the Arts or the National Endowment for the Humanities.

(i) *Foundation* means the National Foundation on the Arts and the Humanities.

(j) *Chairman* means the Chairman of the National Endowment for the Arts, or the Chairman of the National Endowment for the Humanities.

(Sec. 10, 79 Stat. 852 as amended 82 Stat. 186, 84 Stat. 443 (20 U.S.C. 959))

[38 FR 3511, Feb. 7, 1973]

§ 1105.735-4 Statutory provisions.

Each employee is responsible for acquainting himself not only with the provisions of this part, but also with applicable portions of each Federal statute relating to his conduct as an employee of the National Endowment for the Arts or the National Endow-

ment for the Humanities and of the U.S. Government. This part will be called to the attention of all employees by the Administrative Officer of the Foundation at least once a year and he will provide a copy of the part to each new employee who joins either the National Endowment for the Arts or the National Endowment for the Humanities or becomes a member of the shared staff. (A list of pertinent statutes is provided in the Appendix to this part.)

§ 1105.735-5 Conflicts-of-Interest Counselor.

(a) *Conflicts-of-Interest Counselor*. The General Counsel of the Foundation is designated the Conflicts-of-Interest Counselor, with responsibility for providing, on request from any employee, counsel regarding conflicts-of-interest regulations and requirements, as well as their applicability in particular situations. Each employee is responsible for seeking the advice of the Conflicts-of-Interest Counselor whenever it appears that he may be, or may become, involved in a possible conflicts-of-interest situation. Any supervisor may refer to the Conflicts-of-Interest Counselor any possible conflicts-of-interest situation involving a subordinate of his whenever he deems such action appropriate. In such cases, the subordinate concerned shall be informed that the matter has been referred for consideration and shall be afforded the opportunity to state his case. The General Counsel of the Foundation is responsible for reviewing conflicts-of-interest matters brought to his attention and for attempting to work with the employees concerned in resolving such situations, and for offering employees an opportunity to explain any conflict or appearance of conflict. Matters which cannot be satisfactorily resolved in this manner will be referred to the Chairman of the Endowment concerned, or, in the case of a share staff member, to the Chairmen of both Endowments, for decision and appropriate action. Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

(b) *Disciplinary and other remedial actions*. When there is a final decision

that a conflicts-of-interest situation requires disciplinary or other remedial action, such action shall be taken promptly to end the conflict or appearance of conflict of interest and to carry out any appropriate disciplinary measure. Any action taken, whether disciplinary or otherwise, shall be effected in accordance with applicable laws, Executive orders, Civil Service Commission regulations and the regulations in this part. The action taken may involve, among other things:

- (1) Divestment by the employee of his conflicting interest;
- (2) Changes in existing duties;
- (3) Disqualification for a particular assignment;
- (4) Appropriate disciplinary action, up to and including removal.

[32 FR 17663, Dec. 12, 1967, as amended at 33 FR 494, Jan. 13, 1968]

§ 1105.735-6 Statements of employment and financial interests.

(a) *Employees other than special Government employees*—(1) *General requirement.* Statements of employment and financial interests are required of all Federal employees occupying positions at or above Grade 16 or the equivalent, as well as all employees occupying positions which either require the exercise of judgment in making a Government decision, or in taking Government action with regard to:

- (i) Contracting or procurement;
- (ii) Administering or monitoring grants or subsidies;
- (iii) Regulating or auditing private or other non-Federal enterprises;
- (iv) Other activities where the decision or action has an economic impact on the interest of a particular non-Federal enterprise; or

require the incumbent to report in order to avoid involvement in a possible conflicts-of-interest situation and carry out the purpose of law.

(2) *Requirements of the National Endowment for the Arts and the National Endowment for the Humanities.* In order to fulfill the Endowments' obligations under the general Government requirement described in paragraph (a)(1) of this section, it has been determined that a Statement of Employment and Financial Interests must be completed and submitted in accordance with the

procedures set forth in this section by employees occupying the following positions:

- (i) National Endowment for the Arts:
 - (a) Deputy chairman.
 - (b) All special assistants to the chairman and deputy chairman.
 - (c) All program, division and office directors.
- (ii) National Endowment for the Humanities:
 - (a) Deputy chairman.
 - (b) All assistants (including special assistants) to the chairman and deputy chairman.
 - (c) All program and office directors (but not including the Public Information Director).
 - (d) All program officers classified at GS-13 and above.
 - (iii) Shared staff:
 - (a) All attorneys.
 - (b) Director and Assistant Director of Administration.
 - (c) All auditors classified at GS-13 and above.
 - (d) Financial manager.
 - (e) Administrative services officer.
 - (f) All grants officers.

(3) *Inclusion and exclusion of positions.* (i) Whenever appropriate, the Chairman of an Endowment may amend paragraph (a)(2) of this section to include additional positions in his Endowment that entail submission of such statements or may exclude any positions in his Endowment listed in paragraph (a)(2) of this section the inclusion of which is not required by the general requirement in paragraph (a)(1) of this section. Inclusion or elimination of shared positions will be accomplished by agreement of both Chairmen. Each supervisor is responsible for bringing to the attention of the appropriate Chairman (through the Deputy Chairman) any position which the supervisor believes should be covered or excluded by this requirement.

(ii) If an employee believes that his position has been improperly included among those for which a Statement of Employment and Financial Interests is required, he may bring this matter, via the Foundation's grievance procedures, to the attention of the appropriate Deputy Chairman or, in the case of shared staff, to the attention of both Deputy Chairmen. In the event that